

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTCRAFT PATTERN WORKS, INC.,

Plaintiff,

-vs-

NORTHWEST PATTERN CO.,

Defendant.

00-72143

Case No.

Hon.

JOHN FEIKENS

MAGISTRATE JUDGE CARLSON

Joseph C. Basta (P24645)
Thomas M. Schehr (P54391)
Robert L. Kelly (P34412)
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FILED
MAY 10 P2:19
U.S. DIST. COURT CLERK
EAST DIST. MICH
DETROIT

COMPLAINT AND JURY DEMAND

1. Plaintiff ArtCraft Pattern Works, Inc., is a Michigan corporation with its principal place of business in Westland, Michigan.
2. On information and belief, Defendant Northwest Pattern Co. is a Michigan corporation having its principal place of business at 29473 Medbury, Farmington, Michigan 48336.
3. This action arises under United States patent laws, 35 U. S. C. § 1 *et seq.* The Court has jurisdiction under 28 U. S. C. §§ 1331 and 1338.
4. On May 11, 1993, U. S. Patent No. 5,208,995 (the "'995 patent'") duly and legally issued to Blair T. McKendrick. (A copy of the patent-in-suit is attached as Exhibit A). The '995 patent was thereafter assigned to Plaintiff. Plaintiff has owned the '995 patent for all times pertinent hereto.

2

5. The '995 patent relates to a fixture-type gauge for determining the conformance of one or more manufactured parts with a reference standard, as well as a method of manufacturing such a gauge. *See* Exhibit A.

6. The gauge was invented due in part to a clear need in the art for an improved gauge and method of manufacturing such a gauge that not only substantially reduces the time required to manufacture the gauge, but results in higher gauge accuracy. *See* Exhibit A.

7. The gauges manufactured and sold by Plaintiff clearly bore the patent number assigned by the United States Patent Office.

8. Defendant has manufactured and sold gauges that infringe, contributorily infringe, and has induced others to infringe the '995 patent. Plaintiff has notified Defendant of the alleged infringement.

9. Defendant has been, and still is, willfully infringing the '995 patent, and inducing others to do so.

10. Plaintiff has been, and will continue to be, damaged and irreparably harmed by Defendant's conduct unless Defendant is enjoined by this Court.

WHEREFORE, Plaintiff asks the Court to:

- A. preliminarily and permanently enjoin Defendant from infringing Plaintiff's patent;
- B. award Plaintiff damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as fixed by the Court pursuant to 35 U. S. C. § 284;
- C. increase the damages three times for each of Defendant's willful infringements pursuant to 35 U. S. C. § 284;
- D. award Plaintiff its reasonable attorney's fees in accordance with 35 U. S. C. § 285;
- E. award Plaintiff all other relief to which he is entitled.

JURY DEMAND

Plaintiff demands a trial by jury.

DYKEMA GOSSETT PLLC

By:



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Dated: May 10, 2000

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

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THAT WERE NOT
SCANNED